



Town of Moultonborough Planning Board

Notice of Decision

Subdivision Permit

Spot Pond Development, LLC/Tax Map 159, Lot 9

February 11, 2010

Applicant: Spot Pond Development, LLC
P.O. Box 753
Wilmington, MA 01887

Location: 12 Severance Road/(Tax Map 159, Lot 9)

On February 10, 2010, the Planning Board of the Town of Moultonborough opened a public hearing on the application of Spot Pond Development, LLC (hereinafter referred to as the “Applicant” and/or “Owner”) to allow subdivision of the existing 5.26 acre parcel into two (2) parcels, creating one (1) new 3.21 acre parcel in the Agricultural Residential Zoning District.

The public hearing was closed on February 10, 2010. At the regularly scheduled Planning Board meeting on February 10, 2010 the Board voted by a vote of seven (7) in favor (Ryerson, King, Charest, Coppinger, Nelson, Fairchild, Taussig), none (0) opposed, to **GRANT** their request for a Subdivision Permit subject to the following conditions:

1. Revised Plan to Be Submitted

A revised plan indicating the sight distances for the new driveway, a note indicating the utility easement across the newly created parcel to benefit the parent parcel, and the revised fifty (50) foot setback from the stream on the newly created parcel, shall be submitted to the Land Use Office prior to endorsement of the plat.

2. Conformance with Plan

Work shall conform with the plans entitled “Supplemental Plan For Subdivision Survey, Land of Spot Pond Development, LLC, Tax Map 159, Lot 9” prepared by Ames Associates, 164 NH Route 25, Meredith, NH 03253, dated January 20, 2010, and to be revised as indicated above.

3. Amendments

Any modification to the original approved plans created by Ames Associates, titled “Supplemental Plan For Subdivision Survey, Land of Spot Pond Development, LLC, Tax Map 159, Lot 9” and dated January 20, 2010, and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such

case the applicant shall submit to the Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

4. Endorsement of Plan

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this subdivision review shall be placed on the final plans, or this decision shall be recorded with the plans, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

5. Subdivision Regulations

All construction shall be in accordance with the requirements of the Subdivision Regulations and any other applicable rules and regulations as affected by this decision.

6. Transfer of Ownership

Within five (5) days of transfer of ownership of the site, the Applicant, their successors or assigns, shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the new owner and its successors and/or assigns.

7. Fire Department

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

8. Office of the Building Inspector

All work shall comply with the requirements of the office of the Moultonborough Building Inspector as affected by this decision.

9. Utilities

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit.

10. Lighting

All lighting shall be in conformance with the Town of Moultonborough Zoning Ordinance and Subdivision Regulations.

11. Town Driveway Permit Required

A Town Driveway Permit shall be obtained prior to the issuance of a Building Permit for the site.

12. E-911 Numbering

The lots shall conform with the Town of Moultonborough Building Numbering System Ordinance (Section 20), prior to the issuance of Certificates of Occupancy for the lots.

13. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

14. Right to Amend Decision

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Subdivision Regulations, Section 4.14, and RSA 676:4.

15. Violations

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

R. Natt King
Vice-Chairman, Planning Board

Date _____